

Message Text

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PAGE 01 SANTIA 01833 082218Z

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FM AMEMBASSY SANTIAGO

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C O N F I D E N T I A L SANTIAGO 1833

EXDIS

EO 11652: GDS

TAGS: CI, PFOR, PINS

SUBJECT: HUMAN RIGHTS IN CHILE: TRIALS

REF: SANTIAGO 1731

1. SUMMARY: AMBASSADOR STRESSES TO JUNTA MEMBER IMPORTANCE OF PROPER JUDICIAL PROCEDURES DURING UPCOMING TRIALS. END SUMMARY.

2. ON APRIL 8 I CALLED ON ADMIRAL JOSE MERINO, MEMBER OF THE JUNTA IN CHARGE OF ECONOMIC AFFAIRS, FOR A GENERAL DISCUSSION OF CURRENT CHILEAN ECONOMIC PROBLEMS AND A DESCRIPTION OF TYPES OF ECONOMIC ASSISTANCE USG WAS PLANNING TO EXTEND TO CHILE THROUGH AID AND OTHER MECHANISMS (SEPTTEL). AT CONCLUSION THIS PHASE OF MEETING, I ASKED TO BE ALONE FOR A FEW MINUTES WITH THE ADMIRAL AND TOOK UP WITH HIM OUR CONCERNS RE HUMAN RIGHTS.

3. AS IN CASE OF MY MEETING WITH FONMIN HUERTA LAST WEEK (REFTEL) I REMINDED MERINO THAT GREATEST OBSTACLE TO USG ASSISTANCE TO CHILE AROSE FROM CONTROVERSY OVER HUMAN RIGHTS ABUSES ALLEGEDLY TAKING PLACE, PARTICULARLY IN CONNECTION WITH DETAINEES. I SHOWED MERINO SECTIONS 32 AND 35 OF THE FOREIGN ASSISTANCE ACT, NOTING THAT WHILE THEY WERE NOT BINDING ON THE EXECUTIVE, THEY DID REFLECT CONGRESSIONAL CONCERN AND HAD TO BE TAKEN INTO ACCOUNT.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 01833 082218Z

4. I SAID IT SEEMED TO ME THAT AT THE MOMENT THE PRINCIPAL

PROBLEM LAY IN ASSURING OUTSIDE WORLD THAT THOSE NOW UNDER DETENTION RECEIVED BENEFITS OF PROPER JUDICIAL PROCEDURES INCLUDING RIGHT TO COUNSEL, SUFFICIENT OPPORTUNITY FOR COUNSEL TO PREPARE DEFENSES, PUBLIC TRIAL TO EXTENT POSSIBLE, JUDGMENT IN LIGHT OF EXISTING LEGISLATION, AND RIGHT OF APPEAL. THE MORE CLOSELY NORMAL JUDICIAL PROCEEDINGS WERE APPROXIMATED, I SAID, THE BETTER THE RECEPTION WOULD BE IN THE OUTSIDE WORLD.

5. ADMIRAL MERINO SAID HE UNDERSTOOD THE PROBLEM FULLY. CHILE'S IMAGE ABROAD WAS BAD, AND IT WAS A MATTER OF CONCERN. BUT PROBLEM WAS THAT EFFORTS GOC MADE WERE DISTORTED BY HOSTILE ELEMENTS ABROAD.

6. TRIALS WERE BEGINNING NOW, ADMIRAL SAID. WITHIN A FEW DAYS A GROUP OF DEFENDANTS WOULD GO ON TRIAL AFTER DELAYS WHICH HAD GIVEN THEIR COUNSEL PLENTY OF TIME TO PREPARE ADEQUATE DEFENSES. THOSE BEING TRIED UNDER CIVILIAN LAW WOULD BE CHARGED ACCORDING TO LEGAL CODE DATING BACK TO 1892; THOSE TRIED UNDER MILITARY LAW, UNDER PROVISIONS DATING BACK TO ABOUT 1925. EVEN THOUGH THESE PROVISIONS MADE NO PROPER ALLOWANCE FOR MANY OF THE CRIMES COMMITTED BY DETAINEES, GOC WOULD ADHERE TO THEM.

7. I REITERATED IMPORTANCE OF ATTEMPTING TO SATISFY REASONABLE AMERICAN OPINION, ESPECIALLY IN THE CONGRESS, ON THESE MATTERS. URGED ADMIRAL TO DO WHAT HE COULD SO THAT OUR DIFFICULTIES ON THE HILL IN CONNECTION WITH AID PROGRAM MIGHT BE MINIMIZED.

8. COMMENT: I BELIEVE THIS CONVERSATION, TAKEN IN CONJUNCTION WITH MY TALK WITH ADMIRAL HUERTA, GOES ABOUT AS FAR AS WE CAN AT THIS STAGE. THINK WE HAVE NOW ESTABLISHED THAT WE HAVE A LEGITIMATE CONCERN RE TRIALS AND THAT WE CAN COME BACK TO THIS SUBJECT AS OCCASION ARISES. SO FAR WE SEEM TO HAVE AVOIDED ANTAGONIZING CHILEANS BY GIVING IMPRESSION THAT WE ARE TRYING TO INTERVENE IN THEIR INTERNAL AFFAIRS. ON OTHER HAND, IT IS APPARENT JUNTA HAS NOT YET BEEN APPRISED OF OUR INTEREST BY FONMIN ADMIRAL HUERTA. AS OPPORTUNITY OFFERS, WE WILL CONTINUE OUR PRIVATE REPRESENTATIONS, IN HOPE THEY MAY HAVE SOME EFFECT.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIAGO 01833 082218Z

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